

1 AN ACT in relation to transportation.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the
5 Idling Time and Emissions Reduction Act.

6 Section 5. Findings. The General Assembly finds and
7 declares the following:

8 (a) Air pollution in the State is an ongoing problem
9 that impacts the health and safety of its residents.

10 (b) The State's marine and rail terminals often become
11 congested with long lines, forcing trucks to idle for
12 extended periods of time.

13 (c) Idling trucks emit air contaminants, including
14 oxides of nitrogen, carbon dioxide, and particulate matter.

15 (d) Many marine and rail terminals in the State are
16 close to residential areas and businesses frequented by the
17 public.

18 (e) Owners and operators of marine and rail terminals
19 generally do not directly own or control trucks that move
20 containers and other cargo to and from or transact business
21 at the terminals. Due to the manner in which some terminals
22 are operated, however, including but not limited to, setting
23 short gate hours, having insufficient staffing, or
24 maintaining systems that do not transact truck business
25 throughout the day, and because trucks must operate within
26 the systems established by the owners and operators of marine
27 and rail terminals, trucks are forced to idle for extended
28 periods of time and create severe congestion on public
29 roadways in communities at and near marine and rail
30 terminals.

31 (f) It is the intent of the General Assembly to prohibit

1 extended idling by trucks at marine and rail terminals to
2 protect the health and safety of all the State's citizens.

3 (g) It is the intent of the General Assembly, in
4 enacting this Act, to reduce only emissions of particulate
5 matter that are caused by trucks idling at marine and rail
6 terminals in the State.

7 Section 10. Port and rail community air quality program.

8 (a) Each marine or rail terminal must operate in a
9 manner that does not cause the engines of diesel trucks to
10 idle or queue for more than 30 minutes while waiting to enter
11 a marine or rail terminal. Accordingly, a marine or rail
12 terminal is guilty of a petty offense punishable by a fine of
13 \$250 for every truck that idles for more than 30 minutes
14 while waiting to enter the marine or rail terminal.

15 (b) In addition, any marine or rail terminal that takes
16 action intended to avoid or circumvent the requirements of
17 this Act or to avoid or circumvent the reduction of emissions
18 of particulate matter from idling or queuing trucks is guilty
19 of a petty offense punishable by a fine of \$750 per truck per
20 violation.

21 (c) Actions intended to avoid or circumvent the
22 requirements of this Act, include, but are not limited to:

23 (1) diverting an idling truck to area highways or
24 alternate staging areas;

25 (2) requiring a truck to idle or queue inside the
26 gate of a marine or rail terminal; or

27 (3) requiring or directing a truck driver to turn
28 on and off an engine while queuing.

29 (d) Any action taken by a marine or rail terminal to
30 assess, or seek reimbursement from, the driver or owner of a
31 truck for a violation of this Section is a Class C
32 misdemeanor.

33 (e) A marine or rail terminal does not violate this Act

1 by causing a truck to idle for more than 30 minutes while
2 waiting to enter the gate into a marine terminal if:

3 (1) the delay is caused by an act of God, a labor
4 dispute, or a declared State or federal emergency; or

5 (2) if the Secretary of State finds that an
6 unavoidable or unforeseeable event caused trucks to idle
7 and that the terminal is otherwise in good faith
8 compliance with the Act.

9 Section 15. Exemptions from the port and rail community
10 air quality program.

11 (a) As used in this Section, "peak commuter hours" mean
12 those hours determined by the Secretary of State in
13 consultation with the owners and operators of the marine and
14 rail terminals and any labor union represented at those
15 marine and rail terminals.

16 (b) Except as provided in subsections (e) and (f),
17 Section 10 does not apply to marine and rail terminals that
18 provide 2 continuous hours of uninterrupted, fully staffed
19 receiving and delivery gates 2 hours before and after peak
20 commuter hours each day, at least 5 days per week.

21 (c) The Secretary of State must notify marine and rail
22 terminals of the final determination of peak commuter hours.

23 (d) Except as provided in subsections (e) and (f),
24 Section 10 does not apply to marine and rail terminals that
25 operate fully staffed receiving and delivery gates for 70 or
26 more hours, 5 days per week.

27 (e) Section 10 applies to marine or rail terminals
28 located in an area bound by Illinois Route 17 on the south,
29 Illinois Route 47 on the west, Illinois Route 173 on the
30 north, and the Indiana border on the east, if the marine or
31 railroad terminal owners with facilities within those
32 boundaries have placed onerous or artificial barriers to the
33 delivery of their services, either through their own

1 employees or through subcontracted personnel.

2 (f) To qualify for exemption under this Section, a
3 marine or rail terminal must notify the Secretary of State of
4 the date of implementation of the services described in
5 subsection (b) or (d). A marine or rail terminal is subject
6 to Section 10 until the date those services are implemented.

7 Section 20. Compliance with and enforcement of the port
8 and rail community air quality program.

9 (a) The Secretary of State shall monitor marine and rail
10 terminals for compliance with this Act.

11 (b) The Secretary of State shall issue citations to the
12 marine or rail terminal for violations. Citations must
13 include the following:

14 (1) the truck license plate number;

15 (2) the name of the marine or rail terminal at
16 which the violation occurred; and

17 (3) the date and time of the violation.

18 (c) Failure to pay a fine under Section 10, or receipt
19 of 3 or more fines during a 3 month period, is a Class C
20 misdemeanor. The Illinois Commerce Commission must suspend
21 the motor carrier of property license of a marine or rail
22 terminal convicted of an offense described in this subsection
23 (c). The Commission also must forward a recommendation to the
24 Federal Motor Carrier Safety Administration for
25 administrative or other action deemed necessary against the
26 terminal's interstate operating authority.

27 (d) The Secretary of State must determine the level of
28 monitoring and enforcement commensurate with the level of the
29 truck idling problem at each marine and rail terminal and
30 must adopt rules necessary to reduce emissions of particulate
31 matter from idling or queuing trucks under this Act.

32 Section 25. Effect of this Act. Nothing in this Act

1 relieves a commercial driver or commercial motor carrier of
2 any duty imposed by any State or federal law regarding the
3 safe operation of a commercial motor vehicle.